

Dinsmore & Shohl LLP
ATTORNEYS

Holly C. Wallace
502-540-2309
holly.wallace@dinslaw.com

June 22, 2006

via Hand Delivery
Hon. Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Blvd.
P. O. Box 615
Frankfort, KY 40601

RECEIVED

JUN 22 2006

PUBLIC SERVICE
COMMISSION

Re: *Joint Petition for Arbitration of NewSouth Communications Corp., NuVox Communications, Inc., KMC Telecom V, Inc., KMC Telecom III LLC, and Xpedius Communications, LLC on Behalf of Its Operating Subsidiaries, Xpedius Management Co. Switched Services, LLC, Xpedius Management Co. of Lexington, LLC, and Xpedius Management Co. of Louisville, LLC, Case No. 2004-00044*

Dear Ms. O'Donnell:

Enclosed for filing in the above-styled case is the original and ten copies of the Motion for Reconsideration of June 2, 2006 Order.

Thank you, and if you have any questions, please call me.

Very truly yours,

DINSMORE & SHOHL LLP


Holly C. Wallace

HCW/rk
98568v1
32138-1

**BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION**

ORIGINAL

In the Matter of:)
)
Joint Petition for Arbitration of NewSouth)
Communications Corp., NuVox Communications,)
Inc., KMC Telecom V, Inc., KMC Telecom III)
LLC, and Xspedius Communications, LLC on)
Behalf of Its Operating Subsidiaries Xspedius)
Management Co. Switched Services, LLC)
Xspedius Management Co. of Lexington, LLC and)
Xspedius Management Co. of Louisville, LLC)

Case No. 2004-00044

RECEIVED

JUN 22 2006

PUBLIC SERVICE
COMMISSION

MOTION FOR RECONSIDERATION OF JUNE 2, 2006 ORDER

NuVox Communications, Inc. (including the former NewSouth Communications Corp.) ("NuVox"), by counsel, and pursuant to KRS § 278.400, hereby moves the Public Service Commission of the Commonwealth of Kentucky ("Commission") to reconsider and modify its order dated June 2, 2006 denying confidential treatment of certain documents. In support of its motion, NuVox states as follows.

NuVox requests that the Commission reconsider its decision with respect to the customer name and location only in documents NSC/NVX 000051-52. Pursuant to Section 222(c) of the Communications Act, as amended, every telecommunications carrier has an obligation to provide confidentiality with regard to the network information of its customers. NuVox seeks confidential treatment for the customer name and location in these two documents because they contain customer-specific information to which the customer has an expectation of privacy. Specifically, these two documents contain customer proprietary network information ("CPNI") which may only be disclosed as required by law or with the approval of the customer. *See* 47 U.S.C. 222(c).

CPNI is defined as:

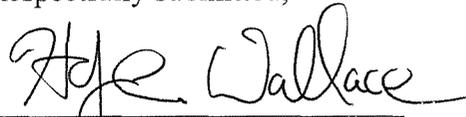
[I]nformation that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship.

47 U.S.C. 222(h). Documents NSC/NVX 000051-52 concern service requests by NewSouth Communications Corporation's customer. Information relating to the type of service received by a customer is CPNI within the meaning of the statute, and as such, is protected from disclosure.

Moreover, pursuant to KRS 61.878(1)(k), NSC/NVX 000051-52 are exempt from disclosure under the Open Records Act. The statute provides that "all public records or information the disclosure of which is prohibited by federal law or regulation" shall be subject to disclosure "only upon order of a court of competent jurisdiction." KRS 61.878(1)(k) (emphasis added). As explained above, NSC/NVX 000051-52 contain CPNI which is protected from disclosure pursuant to 47 U.S.C. 222(c). Therefore, these two documents are also exempt from disclosure under KRS 61.878(1)(k). In accordance with 807 KAR 5:001, Section 7, any document that is exempt from public disclosure pursuant to KRS 61.870 *et seq.* is entitled to confidential treatment by the Commission.

Accordingly, NuVox respectfully requests that the Commission reconsider its June 2, 2006 Order denying confidential treatment of these two documents, and order that the customer name and customer location only in documents NSC/NVX 000051-52 be afforded confidential treatment. The remainder of those two pages (with customer name and location redacted) and the other documents that were the subject of the Commission's June 2, 2006 order, may be made part of the public record with no objection from NuVox.

Respectfully submitted,



John E. Selent

Holly C. Wallace

DINSMORE & SHOHL LLP

1400 PNC Plaza

500 W. Jefferson Street

Louisville, KY 40202

(502) 540-2300 (tel.)

(502) 585-2207 (fax)

and

John J. Heitmann

Stephanie A. Joyce

Garrett R. Hargrave

Kelley Drye & Warren LLP

3050 K Street NW

Suite 400

Washington, DC 20007-5108

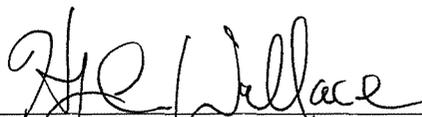
COUNSEL TO NUVOX

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following party by first-class United States mail, sufficient postage prepaid, and electronic mail this ~~22nd~~ day of June, 2006.

Cheryl R. Winn
BellSouth Corporation
P.O. Box 32410
601 W. Chestnut Street, Room 407
Louisville, KY 40232-2410

Robert Culpepper
BellSouth Telecommunications, Inc.
675 W. Peachtree Street, N.E.
Suite 4300
Atlanta, Georgia 30375



Counsel to NuVox